

Issued November 9, 1911.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1149.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF CHAMPAGNE.

On or about November 23, 1910, the United States Attorney for the District of Minnesota, acting upon a report by the Secretary of Agriculture, filed in the District Court of the United States for said district a libel praying condemnation and forfeiture of 19 cases of wine in the possession of Aaron Herz. Each of 8 cases of said wine was labeled as follows: "This side up. Sparkling Sec. P. 24-1/2 bottles sparkling wine, A. Herz, St. Paul, Minn." Each of said bottles contained in said cases was labeled: "Extra Dry Sparkling Sec. Ph. de Sanvers Champagne. Produced in New York and guaranteed under National Food Law, Serial No. 11055." Eleven cases of said wine were labeled as follows: "This side up, Royal Cabinet, 24-1/2 bottles Sparkling Wine, A. Herz, St. Paul, Minn."; and each of the bottles contained in said eleven cases was labeled as follows: "Extra Dry Royal Cabinet Sparkling Wine, Produced in New York and guaranteed under the food and drugs act, June 30, 1906. Serial No. 11055."

Analyses of samples taken from these shipments, made by the Bureau of Chemistry of the United States Department of Agriculture, showed the products to be artificially carbonated. The libel alleged that said wine, after shipment by Ripin & Co., of New York City, from the State of New York into the State of Minnesota, remained in the original unbroken packages, and that the packages of wine were misbranded in that they contained artificially carbonated products offered for sale and sold in imitation of, and under the distinctive name of, "Champagne" and "Sparkling Wine", respectively, and were labeled so as to deceive and mislead the purchaser. Adulteration was alleged because artificially carbonated products had been substituted wholly or in part for "Champagne" and "Sparkling Wine".

On April 24, 1911, no one having appeared as claimant, the court, on motion of the United States Attorney, decreed the condemnation of said wine as being adulterated and misbranded, as alleged in the libel, and forfeiture of the same to the United States, and ordered the marshal for said district to destroy it.

W. M. HAYS,

Acting Secretary of Agriculture.

WASHINGTON, D. C., September 29, 1911.